

Steven T. Waterman (4164)
Michael F. Thomson (9707)
Jeffrey M. Armington (14050)
DORSEY & WHITNEY LLP
136 South Main Street, Suite 1000
Salt Lake City, UT 84101-1685
Telephone: (801) 933-7360
Facsimile: (801) 933-7373
Email: waterman.steven@dorsey.com
thomson.michael @dorsey.com
armington.jeffrey@dorsey.com

*Attorneys for Debtor Perseon Corporation
and Proposed Attorneys for Debtor in Possession*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

PERSEON CORPORATION,

Debtor.

Case No. 16-24435

Chapter 11

Chief Judge R. Kimball Mosier

**EX PARTE MOTION FOR ORDER SHORTENING TIME FOR NOTICE, OBJECTION
AND HEARING FOR (a) RETENTION APPLICATIONS WITH DAVID GREEN AND
SUNTRUST ROBINSON HUMPHREY, INC.; (b) MOTION TO ASSUME
EMPLOYMENT AGREEMENT WITH CLINTON E. CARNELL JR.; AND (c) MOTION
TO APPROVE DEBTOR'S KEY EMPLOYEE
RETENTION PLAN FOR DOUG WILKES**

Proposed Objection Deadline: July 11, 2016 at 4:00 p.m. (Mountain Time)

Proposed Hearing Date: July 12, 2016 at 2:00 p.m. (Mountain Time)

Pursuant to Federal Rule of Bankruptcy Procedure 9006(c) and Local Rule 9006-1, Perseon Corporation ("Perseon" or "Debtor"), the debtor in possession in the above captioned bankruptcy case, by and through counsel, moves this Court for entry of an Order shortening the time for notice, objection, and hearing relating to the following pleadings:

- *Application of the Debtor for Entry of an Order, Pursuant to 11 U.S.C. §§ 105 and 363 and Fed. R. Bank. P. 2014(a) Authorizing the Retention and Employment of David Green as Chief Restructuring Consultant for the Debtor nunc pro tunc to the Petition Date* [Docket No. 59] (the “Green Retention Application”), which seeks Court authority to retain David Green as Chief Restructuring Consultant to the Debtor in the above-captioned bankruptcy case;
- *Application of the Debtor for Entry of an Order, Pursuant to 11 U.S.C. §§ 105, 327, 328, 363 and 365 and Fed. R. Bank. P. 2014(a), (I) Authorizing the Retention and Employment of SunTrust Robinson Humphrey, Inc. as Investment Banker to the Debtor Nunc Pro Tunc to the Petition Date; (II) Authorizing the Assumption of the Agreement with SunTrust Robinson Humphrey to Provide Services Related Thereto; and (III) Approving the Agreement with SunTrust Robinson Humphrey* [Docket No. 57] (the “SunTrust Retention Application”), which seeks Court authority to retain SunTrust Robinson Humphrey, Inc. as Investment Banker for the Debtor in the above-captioned bankruptcy case;
- *Debtor’s Motion for Entry of an Order Authorizing Debtor to Assume Debtor’s Modified Employment Agreement with Clinton E. Carnell Jr.* (the “Carnell Assumption Motion”) which shall be filed no later than June 27, 2016, and which seeks Court authority to assume the Debtor’s employment contract with the Debtor’s CEO, Clinton E. Carnell Jr; and
- *Debtor’s Motion for Order, Pursuant to Bankruptcy Code Sections 363(b) and 503(c)(3), Approving Debtor’s Key Employee Retention Plan for Doug Wilkes* [Docket No. 58] (the “KERP Motion” and together with the Green Retention Application, the SunTrust Retention Application, and the Carnell Assumption Motion, the “Pleadings”) which seeks Court authority to enter into a key employee retention plan.

Federal Rule of Bankruptcy Procedure 2002 and the Court’s Local Rules require, absent an order of the Court otherwise, an objection deadline of 17 days for the Pleadings, and a hearing on the Pleadings must be scheduled at least 21 days from the mailing of the Notice of the Pleadings.

The Debtor has already obtained a July 12, 2016, hearing date from the Court to hear the following retention applications:

- *Application of the Debtor for Entry of an Order Authorizing the Retention and Employment of Dorsey & Whitney LLP, as Counsel for the Debtor* [Docket No.

14] (the “Dorsey Retention Application”), which seeks Court authority to retain Dorsey & Whitney LLP as counsel to the Debtor in the above-captioned bankruptcy case;

- *Application of the Debtor for Entry of an Order, Pursuant to 11 U.S.C. §§ 105, 327, 328, and 363 and Fed. R. Bank. P. 2014(a) Authorizing the Retention and Employment of Riley Astill as Accountant for the Debtor nunc pro tunc to the Petition Date* [Docket No. 40] (the “Astill Retention Application”), which seeks Court authority to retain Riley Astill as Accountant for the Debtor in the above-captioned bankruptcy case;
- *Application of the Debtor for Entry of an Order, Pursuant to 11 U.S.C. §§ 105, 327, 328, and 363 and Fed. R. Bank. P. 2014(a), (I) Authorizing the Retention and Employment of Tanner LLC as Tax Accountant to the Debtor nunc pro tunc to the Petition Date and (II) Approving the Agreement with Tanner LLC* [Docket No. 41] (the “Tanner Retention Application” and together with the Dorsey Retention Application and the Astill Retention Application, the “Professional Retention Applications”) which seeks Court authority to retain Tanner LLC as Tax Accountant for the Debtor in the above-captioned bankruptcy case.

Collectively, the Pleadings and the Professional Retention Applications seek approval to retain estate professionals and to establish compensation structures for non-professionals who perform services for the Debtor. Accordingly, the Debtor asserts that it is appropriate to have the Pleadings and the Professional Retention Applications heard at the same time and prior to the hearing on the motion to sell substantially all of the Debtor’s assets, which is currently set for July 26, 2016.

The Debtor requests that the Court conduct a hearing on the Pleadings on July 12, 2016 at 2:00 p.m. (Mountain Time).

The Debtor proposes that all objections or responses to the Pleadings be filed and served by July 11, 2016 at 4:00 p.m. (Mountain Time).

On even date herewith, the Debtor will file a *Notice of Pleadings and Notice of Hearing*, with the Court's CM/ECF system, which will be served on all parties registered in this case to receive notice with such system.

In the event the Court does not grant this Motion for Order Shortening Time, or modifies the dates proposed by the Debtor herein, the Debtor will file an amended Notice and will serve the amended Notice on all interested parties informing them of the Court's Order.

DATED this 24th day of June, 2016.

DORSEY & WHITNEY LLP

/s/ Jeffrey M. Armington

Steven T. Waterman

Michael F. Thomson

Jeffrey M. Armington

Proposed Attorneys for Debtor Perseon Corporation